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THE CRYSTALS AT CITYCENTER, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

IN RE:

BESO, LLC,

Debtor.

Case No. BK-S-11-10202-MKN

Chapter 11

**THE CRYSTALS AT CITYCENTER, LLC'S OBJECTION TO EX-PARTE MOTION
FOR ORDER SHORTENING TIME FOR HEARING OF
EMERGENCY MOTION TO APPOINT CHAPTER 11 TRUSTEE**

The Crystals at Citycenter, LLC ("Crystals"), by and through its undersigned counsel, hereby objects to the Ex-Parte Motion for Order Shortening Time for Hearing of Emergency Motion to Appoint Chapter 11 Trustee [Docket No. 142] filed by Mali Nacum and Ronen Nachum (the "Nacums") and further states as follows:

I. BACKGROUND

Crystals is the owner of the commercial premises described as space nos. 260 and 360 (the "Premises") in the retail shopping center commonly known as Crystals. Debtor Beso, LLC ("Debtor" or "Beso") currently occupies the Premises as its sole business location pursuant to a lease agreement dated March 11, 2009 (the "Lease").

As of the filing of Beso's voluntary chapter 11 petition on January 6, 2011 (the "Petition Date"), Beso owed unpaid rent and other charges accrued under the Lease to Crystals in the

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1 amount of approximately \$2,276,460.¹ In addition to the pre-petition arrearages owed under the
 2 Lease, Beso now also owes substantial amounts of unpaid rent and other charges under the Lease
 3 accruing after the Petition Date.

4 Based upon Beso's partial suspension of business operations within the Premises, the
 5 Nacums, who hold a minority membership interest in Beso, have filed an Emergency Motion to
 6 Appoint a Chapter 11 Trustee and has requested that its Emergency Motion be heard on an order
 7 shortening time. Crystals opposes the relief requested by the Nacums in the Emergency Motion
 8 and objects to the hearing of the Emergency Motion on an order shortening time.

9 II. LEGAL ARGUMENT

10 Although Local Rule 9014(a)(1) requires that motions of the type filed by Nacum be set for
 11 hearing no earlier than twenty-eight (28) days after filing, Bankruptcy Rule 9006(c)(1) authorizes
 12 the Court to shorten the time for notice of such motions for cause. The procedures for seeking an
 13 order shortening the time for hearing are set forth in Local Rule 9006. Notwithstanding those
 14 procedures, Nacum has failed to demonstrate any need for the Emergency Motion to be heard on
 15 an expedited basis. Without good cause, which has not been shown in this case, the Court should
 16 deny Nacum's Ex-Parte Motion.

17 As its landlord, Crystals is acutely aware of Beso's partial suspension of business
 18 operations within the Premises and is in communication with Beso regarding its plans for
 19 reorganization and for the future use of the Premises. Although Beso has been unable to pay
 20 administrative rent accruing under the Lease during the pendency of this chapter 11 case, Crystals
 21 has thus far been supportive of Beso's efforts to reorganize.² Moreover, it is Crystals' belief and
 22 understanding that Beso will soon be able to propose a formal plan of reorganization.
 23 Accordingly, Crystals adamantly opposes Nacum's Emergency Motion to Appoint a Chapter 11
 24 Trustee as it does not believe there to be any basis for the appointment of a trustee.

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 26 ¹ See Crystal's proof of claim [Claim No. 21] filed May 11, 2011.

27 ² Of course, Crystals reserves all rights to compel Beso to fully comply with the Lease as required pursuant to §
 28 365(d)(3) of the Bankruptcy Code and to further require that Beso promptly cure all defaults under the Lease and
 provide adequate assurance of future performance as a condition of assumption of the Lease as provided in § 365(b).
 Similarly, Crystals has not waived any of its rights under § 365(d)(4) concerning Beso's obligations in assuming or

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III. CONCLUSION

Based upon the foregoing, Crystals respectfully requests that the Court deny the Nacum's Ex-Parte Motion for Order Shortening Time for Hearing of Emergency Motion to Appoint Chapter 11 Trustee in its entirety.

DATED this 13th day of July, 2011.

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By: /s/ Bart K. Larsen, Esq.

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rejecting the Lease.

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